

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed April 11, 2006, claims 1-49 have been rejected. In response, the Applicants have submitted the following remarks and amended claims 14, 20, and 24. Accordingly, claims 1-49 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Rejections Under 35 U.S.C. §103

Claims 1-49 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,009,511 to Mazar (hereinafter Mazar). Specifically, within the Office Action it is stated that while Mazar does not teach an acquisition device communicating with a receiving device in a point-to-point matter, but rather via a communication system, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow point-to-point data transmission between the device 106 and the device 109 in Mazar. The Applicants respectfully disagree with this rejection.

The Mazar reference teaches a repeater device for communications with an implantable medical device, wherein the devices 102, 104 and 106 can be implantable devices or external devices that may provide one or more functions such as sensing, data analysis, and therapy (Mazar, column 3, lines 54-58). Referring to Figure 1 of Mazar, the devices 102, 104 may be configured to communicate with each other and may even communicate with an interrogator/transmitter unit 108, but may not communicate with the remote peripheral device 109 or with the host 112, without utilizing the communication system 110. The Mazar reference is very specific about the operation of said devices 102, 104, 106 and their ability to communicate with the host 112. The reference utilizes numerous columns to define the system's ability to transmit gathered data from the devices 102, 104 106 in transmitting that data through the communication 110, and finally to the host 112. The Mazar reference also teaches also how the peripheral device 109 is actually utilized to receive alerts from the host 112 based on data collected from the patient and to send instructions from the caregiver to either the patient or other clinical staff. In another

example, the remote peripheral device 109 is used by the patient to receive periodic or real-time updates and alerts regarding the patient's health and well-being (Mazar, column 6, lines 7-15). The Applicants respectfully submit that if communication was indeed possible, or even obvious in a point-to-point matter without utilizing the communication system 110, then such would have been taught in Mazar. In short, Mazar does not teach the acquisition device being configured to transmit collected data to a host in a point-to-point fashion, nor is such point-to-point communication obvious in light of Mazar.

In contrast to the teachings of Mazar, the system of the present invention teaches a monitoring system having an acquisition device that is configured to utilize a wireless transmitter that continuously transmits the acquired data to a receiving device that outputs such data to at least one local host. The system in the present invention transmits this data from the acquisition device to the receiving device in a point-to-point fashion. Point-to-point data transfer indicates that data is transferred directly from the acquisition module 72 to the host 34 where the host 34 is located in the vicinity of the acquisition module 72. Transferring data point-to-point is generally meant as not being transferred from an acquisition module 72 to a network 39 and then to a host 34 (present invention, page 7, lines 4-8). Through its numerous examples, the Mazar reference explicitly teaches away from this type of operation, in that the Mazar references explicitly teaches a system that always utilizes a network.

The independent claim 1 is directed to a monitoring system comprising an acquisition device, the acquisition device comprising an input that is configured to receive data from plurality of sensors coupled to a patient and a wireless transmitter that continuously transmits data received by the input. The monitoring system also comprises a receiving device, the receiving device comprising a receiver that receives the data transmitted by the acquisition device and an output from the receiver that outputs the data to at least one local host, wherein the system transmits data from the data acquisition device to the receiving device point-to-point. As discussed above, it is not obvious in light of Mazar that such a system transmits data from the data acquisition device to the receiving device point-to-point. For at least these reasons, the independent claim 1 is allowable over the teachings of Mazar.

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Claims 2-13 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Mazar. Accordingly, claims 2-13 are also allowable as being dependent upon an allowable base claim.

The Applicants respectfully submit that the amended independent claims 14, 20 and 24, as well as the independent claims 36 and 42 are allowable over the teachings of Mazar for the same reasons as discussed with respect to the independent claim 1. Accordingly, the independent claims 14, 20, 24, 36 and 42 are also allowable over Mazar.

Claims 15-19, 21-23, 25-35, 37-41 and 43-49 are dependent upon the independent claims 14, 20, 24, 36 and 42. As discussed above, the independent claims 14, 20, 24, 26 and 42 are allowable over the teachings of Mazar. Accordingly, claims 15-19, 21-23, 25-35, 37-41 and 43-49 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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